

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 7, 2003, and the references cited therewith.

Claims 1, 13, 22, 23, 30, and 32-40 are amended, claims 35-40 being renumbered as 36-41. As a result, claims 1-41 are now pending in this application.

§112 Rejection of the Claims

Claims 35-37 were rejected under 35 USC ' 112, second paragraph, as being indefinite for failing to point out what is included or excluded by the claim language, stating this claim is an omnibus type claim, and noting the two claims numbered 35. The claims have been appropriately renumbered. The substance of the rejection is respectfully traversed. MPEP 2173.05(r) reads “Some applications are filed with an omnibus claim which reads as follows: A device substantially as shown and described.” No such language is found in any of the rejected claims. Each recites either a specific element, or a function. As such, each claim is clear in its meaning and scope, and the rejection should be withdrawn.

§102 Rejection of the Claims

Claims 1, 13, 23, 29, 33, 34, 35a and 38-40 were rejected under 35 USC § 102(a) as being anticipated by Gouko (US 6,222,507 B1). This rejection is respectfully traversed. Each of the claims has been amended to reference **interactive tertiary information** being displayed in the multiple displays. Tertiary areas are described as tool bars and buttons in the application. Examples of the different sets of information in the detailed description include providing different views, such as providing a 2D view on one display, and the tool bars and buttons on a third display on page 7. In essence, they are interactive areas of an application that take up space that is desired for display of a document, or other object that an application is working with.

Gouko describes sub panels for showing “...left and right areas or upper and lower areas...” Further, it describes with respect to a car chase game: “a scene around the car can be displayed in a real manner by being divided into the sub panels, respectively.” Col. 5, lines 51-61. There is no teaching in Gouko of using secondary displays for interactive tertiary information as claimed in each of the independent claims. As Gouko is lacking at least one

element of each of the pending claims, a *prima facie* case of anticipation has not been established, and the rejection should be withdrawn.

Claims 1, 2, 6, 12, 13, 16, 17, 23, 24, 27 and 33 were rejected under 35 USC § 102(a) as being anticipated by Rebeske (US 2,950,381). This rejection is respectfully traversed. In Rebeske as indicated in Col. 3, lines 11-30 referenced in the rejection, the second screen is used in an opposite manner: "...the operator may not want to permit such non-essential information as toolbars, display options, or program information to be displayed on the second display screen..." Thus, it specifically does not show interactive tertiary information on the second display as claimed in all the independent claims. Since Rebeske is lacking at least one element of each of the pending claims, a *prima facie* case of anticipation has not been established, and the rejection should be withdrawn.

§103 Rejection of the Claims

Claims 35b, 36 and 37 were rejected under 35 USC § 103(a) as being unpatentable over Gouko (US 6,222,507 B1) in view of Failla (US 5,128,662). These claims are now renumbered 36-38 respectively. The Office Action admitted that Gouko does not teach a "spring loaded switch providing a conductive path for a reconfiguration signal", however, the Office Action maintained that this is inherent in Gouko because it would have been an obvious design choice. Applicant respectfully disagrees. The Office Action has not established a *prima facie* case of inherency because, as recited in MPEP § 2112, "In relying upon the theory of inherency, the examiner must provide basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art," citing Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). It is quite apparent that other design choices might include a separate user activated switch, or perhaps a user interacts with software to inform of the reconfiguration of the displays. Thus, it is clear that the allegedly inherent characteristic does not necessarily flow from the teachings of the applied prior art, and the rejection should be withdrawn.

Claims 22, 25, 26 and 30-32 were rejected under 35 USC § 103(a) as being unpatentable over Rebeske (US 6,295,038) in view of Hendry et al. (US 5,682,529). This rejection is respectfully traversed because a prima facie case of obviousness has not been presented.

With respect to claim 22, the office action fails to address at least one element of the claim. The Office Action does not point out where the references teach “displaying a reconfiguration screen on the primary display device, the reconfiguration screen including a number of reconfiguration options;”. As neither reference, alone or combined teaches this element, the rejection should be withdrawn.

Claims 25-26 depend from claim 23 which was amended to include interactive tertiary information, and is believed to distinguish the references since neither Rebeske nor Hendry et al. show this claimed element.

Independent claims 30 and 32 were amended to include interactive tertiary information, and are believed to distinguish the references since neither Rebeske nor Hendry et al. show this claimed element. Dependent claim 31 includes the elements of claim 30 and distinguishes the references for at least the same reasons.

Claims 2-5, 7-11, 14, 15, 18-21 and 28 were rejected under 35 USC § 103(a) as being unpatentable over Rebeske (US 6,295,038) in view of Failla (US 5,128,662). Each of these claims depends from an independent claim that includes “interactive tertiary information” being displayed on a second display device, and are thus believed to distinguish the references are argued above. Failla does not provide this missing element. As such, the rejection should be withdrawn as a prima facie case of obviousness has not been established.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6972) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O Box 1450, Alexandria, VA 22313-1450, on this 23 day of July, 2003..

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